IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 11920 of 2004**

Between:

Chinnam Paddi Reddy, S/o. Rami Reddy,
R/o. Chinnamvaripalem, H/o. Ryali, Athreyapuram (M), E.G. District.

**..... PETITIONER**

AND

1 The Station House Officer, Ravulapalem East Godavari District.
2 The Superintendent of Police, East Godavari at Kakinada.
3 The District Collector, East Godavari at Kakinada.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not initiating action on the complaint dt. 17-06-2004 submitted by the petitioner herein along with others, to the 1st respondent as illegal, arbitrary and consequently direct the respondents herein to initiate action on the complaint dt. 17-06-2004 submitted by the petitioner along with others and pass such other orders.

Counsel for the Petitioner: MR.POLISETTI RADHA KRISHNA

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following**:**

ORDER:

Heard both sides.

2. The petitioner seeks a writ of Mandamus declaring the alleged inaction of the respondents in taking steps on the complaint, dated 17.06.2004, lodged by the petitioner and other residents of the village-Ravulapalem against the members of Damodar Sanjeevayya Harijana Sangam, Laxmipolavaram, as arbitrary and illegal.

3. The petitioner states that he has been in possession and enjoyment of agricultural lands in Ravulapalem Gram Panchayath, wherein he has been raising commercial crops and there is also a coconut garden. It is alleged that on 16.06.2004 some miscreants claiming to be the members of the Damodar Sanjeevayya Harijana Sangam, Laxmipolavaram, entered into his lands and forcibly taken away the coconuts by threatening him and his labour. It is also alleged that the members of the said Sangam spoiled the commercial crops raised by him. In the circumstances, on 17.06.2004 he sent a complaint to the 1st respondent by registered post marking a copy to the respondents 2 and 3 and the same was received by the respondents on 19.06.2004. The said complaint was signed by himself and by some other residents of his village. The grievance of the petitioner is that in spite of the fact that the respondents received the said complaint on 19.06.2004, they failed to take any action against the miscreants, who encroached into his lands and caused

damage to the crops raised by him. Hence this writ petition.

4. On behalf of the respondents 2 and 3, a counter-affidavit has been filed by one M.Simhadri Rao, Assistant Sub-Inspector of Police, Ravulapalem Police Station, East Godavari District, denying the alleged inaction on their part. It is stated that the petitioner and 16 others of Ravulapalem village sent a complaint addressed to the Station House Officer, Ravulapalem Police Station, through post in respect of the alleged incident, dated 16.06.2004, and the same was received in the 2nd respondent-Police Station on 07.07.2004. On receipt of the same, an entry was made in the General Diary of Ravulapalem Police Station and the same was enquired into. During the course of enquiry, the allegations made by the petitioner and others in their complaint were found to be false and baseless. The Police also came to know that there are civil disputes between the petitioner and the residents of Ravulapalem village as well as the members of Sri Sanjeevaiah Harijana Peda Vyavasaya Cooli Sangham with regard to boundary of some land and owing to the said disputes, the petitioner and other villagers made a false complaint before the 2nd respondent-Police Station. It is further stated that the members of Sri Sanjeevaiah Harijana Peda Vyavasaya Cooli Sangam also made a complaint before the 2nd respondent-Police Station stating that the petitioner and others are interfering with the peaceful possession and enjoyment of their lands.

5. The contents of the counter-affidavit filed by the respondents stood unrebutted since the petitioner did not choose to file any reply-affidavit contradicting the same. From the counter averments, it is clear that there are certain civil disputes between the petitioner and other residents of Ravulapalem village and also the members of Sri Sanjeevaiah Harijana Peda Vyavasaya Cooli Sangham. At any rate, the specific case of the respondents is that in pursuance of the complaint lodged by the petitioner, they have made the necessary enquiry and the allegations in the complaint were found to be false.

6. However, the learned counsel for the petitioner vehemently

contended that Sri Sanjeevaiah Harijana Peda Vyavasaya Cooli Sangham, which was referred to by the respondents in their counter-affidavit, is entirely different from Damodar Sanjeevayya Harijana Sangam, Laxmipolavaram, and that as a matter of fact the petitioner and other residents of Ravulapalem village made a complaint against the members of Damodar Sanjeevayya Harijana Sangam, Laxmipolavarm and therefore, the version of the respondents that during the enquiry the allegations were found to be false cannot be accepted. I am unable to agree with the said submission in the absence of any material to substantiate the same and particularly in the absence of any affidavit in reply disputing the stand taken by the respondents.

7. In the circumstances, the declaration as prayed for cannot be granted and I deem it appropriate to close the writ petition recording the statement of the respondents that they have enquired into the matter on the basis of the complaint made by the petitioner and other residents of Ravulapalem village

and the allegations in the complaint were found to be false. No costs.

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G.ROHINI, J

30.07.2004

DR

To

1 The Station House Officer, Ravulapalem East Godavari District.
2 The Superintendent of Police, East Godavari at Kakinada.
3 The District Collector, East Godavari at Kakinada.

4 Two CCS to Government Pleader of Home, High Court Buildings,

Hyderabad. (OUT)

5 Two CD copies.